

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES ERIC DURAND,
Plaintiff,

v.

THE CBE GROUP, INC.,
Defendant.

No. 06-07103 CW
ORDER OF
DISMISSAL

On January 11, 2007, this Court issued an Order Denying Plaintiff's Application to Proceed In Forma Pauperis (IFP), wherein the Court denied Plaintiff's application to proceed IFP and dismissed his complaint without prejudice to filing an amended application and complaint within thirty days. Instead of filing an amended IFP application and complaint, the Plaintiff filed an appeal. The appeal was dismissed by the Ninth Circuit Court of Appeals on June 25, 2007. Plaintiff has not filed an amended IFP application and complaint. Accordingly,

IT IS HEREBY ORDERED that the above-captioned case is dismissed without prejudice for failure to prosecute.

5/7/08

Dated _____



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DURAND et al,

Plaintiff,

v.

THE CBE GROUP INC. et al,

Defendant.

Case Number: CV06-07103 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles Eric Durand
259 Colima, #A
Pittsburg, CA 94565-3649

Dated: May 7, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California